

THE HONORABLE ROBERT S. LASNIK

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

FEDERAL DEPOSIT INSURANCE  
CORPORATION as Receiver for Washington  
Mutual Bank,

Plaintiff,

v.

ARCH INSURANCE COMPANY,  
NATIONAL UNION FIRE INSURANCE  
COMPANY OF PITTSBURGH, PA, and  
LLOYD'S SYNDICATE NOS. 2087, 2000  
and 382 and WUERTTEMBERGISCHE  
VERSICHERUNG A.G. 2023889000007 as  
subscribers to the LLOYD'S POLICY and the  
COMPANIES INSURANCE POLICY NO.  
509/QA015607,

Defendants.

Case No. 2:14-cv-00545 RSL

**STIPULATED MOTION AND  
~~PROPOSED~~ ORDER REGARDING  
RESETTING CERTAIN DISCOVERY  
AND MEDIATION DEADLINES**

**NOTE ON MOTION CALENDAR:  
January 5, 2018**

**STIPULATION**

The Parties to this action, by and through their undersigned counsel, jointly request that the Court modify the Amended Order Setting Trial Date and Related Dates (dkt #183) to extend certain discovery deadlines and the mediation deadline in light of developments in this case.

First, the parties would like to extend the settlement conference deadline by one day, i.e., from February 28, 2018 to March 1, 2018, to accommodate mediator Jed Melnick's schedule.

Second, the parties would like to extend the discovery cutoff and expert discovery deadlines due to practical and logistical issues associated with preserving testimony for trial from third party witnesses and production of historic documents concerning events that occurred at a bank that no

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CONFERENCE

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longer exists. More specifically, the witnesses in this case are being asked to recall events and interpret documents that occurred in 2007 and earlier. Many of the witnesses are unavailable for trial, none work for Washington Mutual Bank at this time, the witnesses are spread across the country, there are logistical issues associated with scheduling their depositions, and the depositions are for trial testimony. Likewise, the FDIC-R has had logistical issues in locating and producing historic documents, and it has obtained additional documents that it is currently in the process of reviewing and producing relevant to certain witnesses. Accordingly, the parties need additional time to complete its trial depositions, and experts will rely upon this testimony. The parties have worked diligently to conduct eleven depositions (most of them in the past three months) in South Carolina, Florida, Washington, and Wisconsin. Additional depositions are scheduled in New York, London, Missouri, Texas and Oklahoma. The parties believe that they can complete their work within the proposed deadlines, and they are focused on preparing the case for a trial in June.

If granted, this Motion would make the following indicated changes to the Court's prior case schedule:

<b>TRIAL DATE</b>	<b>June 4, 2018</b>
Reports from expert witnesses under FRCP 26(a)(2) due	<del>January 20, 2018</del> <b>February 23, 2018</b>
All motions related to discovery must be noted on the motion calendar no later than the Friday before discovery closes pursuant to LCR 7(d) or LCR 37(a)(2)	
Fact Discovery completed by	<del>February 4, 2018</del> <b>February 28, 2018</b>
<b>Supplemental/rebuttal reports from experts</b>	<b>March 9, 2018</b>
Expert depositions completed by	<del>February 20, 2018</del> <b>March 23, 2018</b>

1	Settlement conference held no later than	<del>February 28, 2018</del>
2		<b>March 1, 2018</b>
3	All dispositive motions must be filed by and noted on the motion	<del>March 6, 2018</del>
4	calendar no later than the fourth Friday thereafter (see LCR	<b>March 23, 2018</b>
5	7(d)(3))	
6	All motions in limine must be filed by and noted on the motion	May 7, 2018
7	calendar no earlier than the <u>second</u> Friday thereafter.	
8	Replies will be accepted.	
9	Agreed pretrial order due	May 23, 2018
10	Pretrial conference to be scheduled by the Court	
11	Trial briefs, proposed voir dire questions, proposed jury	May 30, 2018
12	instructions, and trial exhibits due	
13	Length of Trial: 10-15 days	Jury

14 IT IS SO STIPULATED.

15 RESPECTFULLY SUBMITTED this 21st day of January, 2018.

16 DAVIS WRIGHT TREMAINE LLP

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26  
 27 STIPULATED MOTION AND [PROPOSED] ORDER  
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5 SHOEMAKER GHISELLI & SCHWARTZ LLC

6  
7 By s/Andrew Shoemaker  
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Andrew Shoemaker  
8 Attorneys for Plaintiff Federal Deposit  
Insurance Corporation

12 IT IS SO ORDERED.

13 DATED this 8<sup>th</sup> day of January, 2018.

14  
15 Mr. S. Lasnik  
16 THE HONORABLE ROBERT S. LASNIK  
UNITED STATES DISTRICT COURT JUDGE  
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